

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DEBRA A. LEARNED : CIVIL ACTION
: :
v. : :
: :
JO ANNE B. BARNHART : No. 04-4680

ORDER

AND NOW, this 1st day of August, 2005, upon consideration of plaintiff's motion for summary judgment (docket entry # 8), defendant's motion for summary judgment (docket entry # 9), plaintiff's reply (docket entry # 11), the Report and Recommendation of the Honorable Peter B. Scuderi, and the Government's failure to object within ten days of service of the Report and Recommendation, as required by 28 U.S.C. § 636(b)(1) and the June 27, 2005 letter sent to it by the Clerk of Court, thereby preventing us from executing our congressionally entrusted task, i.e., "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made," id., it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. Plaintiff's motion for summary judgment is GRANTED;
3. Defendant's motion for summary judgment is DENIED; and
4. The decision of the Commissioner that denied disability insurance benefits is VACATED, and in accordance with the fourth sentence of 42 U.S.C. § 405(g), this case is REMANDED

to the Commissioner for further proceedings consistent with the Report and Recommendation.

BY THE COURT:

/s/ Stewart Dalzell, J.